IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Crl.MC.No. 3567 of 2007()

CC.642/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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PETITIONER: DEFACTO COMPLAINANT:

MARY T.P., W/O.T.P.SABU,
THAIPARAMBIL HOUSE, PROVIDENCE ROAD,
COCHIN-18.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS: ACCUSED & COMPLAINANT:

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1. A.T.SABU, S/O.LATE THOMAS,
AYYARAVELITHARA HOUSE, NEAR RAILWAY STATION,
ERAMALLOOR P.O., EZHUPUNNA.

2. STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, AROOR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY P.P. SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3567 OF 2007

Dated this the 28th day of November, 2007

O R D E R

The petitioner is the de facto complainant in a prosecution under section 498A IPC. Cognizance has been taken on the basis of the final report submitted by the police after due investigation in a crime. The crime in turn was registered on the basis of the complaint filed by the petitioner herein. The sole accused, the first respondent herein, is the husband of the petitioner.

2. The petitioner has come to this court with this petition under section 482 Cr.P.C. to apprise this court of the fact that she has settled all her disputes with the 1st respondent. It is submitted that the petitioner has compounded the offences allegedly committed by the 1st respondent. The matrimonial dispute has already been settled and a joint application for divorce has already been filed. It is one of the conditions of the comprehensive settlement that C.C.642/06 initiated against the 1st respondent under section 498A IPC at the instance of the petitioner must also

be brought to premature termination. Counsel prays that powers under section 482 Cr.P.C. as explained in the decision in ***B.S.Joshi Vs. State of Haryana*** [AIR 2003 SC 1386] may be invoked and premature termination of C.C.642/06 pending before JFCM-II, Cherthala may be brought about.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that the State has no objection in the proceedings against the 1st respondent being quashed in view of the subsequent developments. The 1st respondent has not entered appearance. In the light of the fact that the petitioner/de facto complainant has come before this court with this petition, I think it is not necessary to wait for issue and return of notice to the 1st respondent/accused.

4. In the result, this petition is allowed. C.C.642/06 pending before JFCM-II, Cherthala against the 1st respondent herein under section 498A IPC is hereby quashed.

(R.BASANT, JUDGE)

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